

REMARKS

Applicant respectfully requests consideration of this application in view of the foregoing amendments and following remarks.

A. Claim Status / Explanation of Amendments

Claims 1-10 are pending of which claims 1-7 were rejected while claims 8-10 were withdrawn from consideration as a result of a previous restriction requirement. Applicant reserves the right to pursue withdrawn claims in a divisional application. As to the merits, claims 1-3 were rejected pursuant to 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,255,077 to Yamazaki, et al. ("Yamazaki"). [9/17/07 Office Action, p. 2]. Claims 4-7 were rejected pursuant to 35 U.S.C. § 103(a) as allegedly being unpatentable over Yamazaki in view of U.S. Patent No. 4,710,807 to Chikama ("Chikama"). [9/17/07 Office Action, p. 3].

By this paper, claims 1-7 are canceled and new claims 11-19 are added. Applicant reserves the right to pursue canceled claims in a continuing application. The cancellation of claims 1-7 renders the Section 102 and 103 rejections of these claims as moot. New independent claims 11, 13, 15, 17, and 19 recite limitations derived from canceled claims 3, 4, 5, 6, and 7, respectively. New dependent claims 12, 14, 16, and 18 depend from claims 11, 13, 15, and 17, respectively, and recite the limitation wherein a "period of accumulating photoelectric charges per each one pixel of the image pickup unit is shorter than the one period of the flicker." Support for new dependent claims 12, 14, 16, and 18 can be found throughout the application as originally filed including, for example, p. 14, lns. 10-20.

No new matter will be introduced into this application by entry of these amendments. Entry is respectfully requested.

B. Claims 11-19 are Patentable over Yamazaki and Chikama

Claims 1-7 have been canceled, thereby rendering the Section 102 and 103 rejections of these claims as moot. However, since new independent claims 11, 13, 15, 17, and 19 correlate with canceled claims 3, 4, 5, 6, and 7, respectively, the rejections of claims 3-7 are respectfully traversed. As set forth in detail below, Yamazaki and Chikama, whether alone or in combination, do not teach, disclose, or suggest each and every element of these claims.

Yamazaki is directed, *inter alia*, to a method for optimizing white balance control based upon the amplitude of a flicker detected from a light source. [Yamazaki, Abstract]. The Office Action contends that Yamazaki discloses an image pickup apparatus wherein "during a period other than a period during which the amount of light that causes the flicker is a predetermined value or smaller, said correction circuit permits said image pickup unit to accumulate photoelectric charges" as recited in claim 3. [9/17/07 Office Action, p. 3]. However, Yamazaki fails to disclose a "control unit for controlling ... the image pickup unit per each one period of the flicker so as not to accumulate photoelectric charges" as recited in new claim 11. That is, Yamazaki fails to teach, disclose, or suggest correlating the on/off state of the image pickup unit with the period of the flicker as disclosed by Applicant. Thus, claim 11 is not anticipated by Yamazaki and the Section 102 rejection is respectfully traversed.

Chikama is directed to an electronic endoscope apparatus which can obtain clear and sharp pictures on a television monitor. [Chikama, Col. 2, Ins. 25-30]. In one embodiment, as shown by Fig. 3 below, Chikama discloses an optical fiber bundle (18), a light source (21), and a chopper (26) comprised of window (26a) and shielding (26b) sections. By adjusting the rotation speed of the chopper (26) it is possible to control the illumination period of the light source (21). [Chikama, Col. 4, Ins. 39-42]. In Fig. 5 (reproduced below), Chikama discloses a method

wherein the rotation speed of the chopper (26) is set such that the center of each illuminating light pulse coincides with the point in time at which the image signals are offered to one of either an odd or even field scanning (odd in Fig. 5) for transfer from a light receiving portion to a corresponding memory portion of an image pickup element. [Chikama, Col. 6, lns. 29-39].

Fig. 3

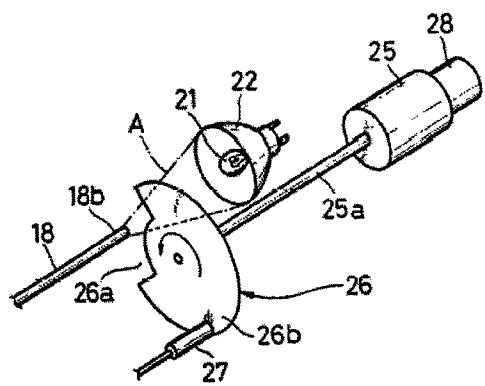
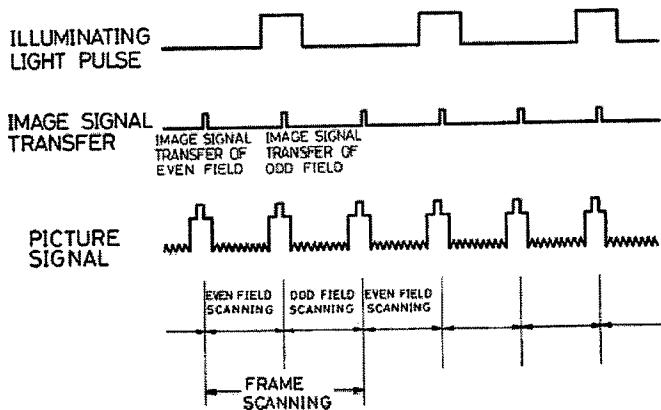


Fig. 5



The Office Action contends that it would have been obvious to combine Yamazaki's method for effecting white balance with Chikama's illuminating light supply system in order to emit light when using a solid state image pickup device and thereby obtain Applicant's image pickup apparatus because such a combination would minimize flicker and produce a good quality image. [9/17/07 Office Action, p. 4]. Applicant respectfully asserts that Chikama's electronic endoscope apparatus is used, *inter alia*, for examining an inner part of a body and, as such, provides no teaching, suggestion, or motivation for addressing problems associated with flicker arising from an external light source. Moreover, Chikama's chopper (26) is not intended to correct flicker-induced artifacts, but rather, is utilized and controlled such that the center of each illumination pulse correlates with instances in time at which an image signal is transferred.

Accordingly, Chikama fails to teach, disclose, or suggest an image pickup apparatus for reading a fingerprint image comprising a control unit for controlling a "light source ... such that

the light source is turned from non-light emission state into a light emission state ... when the amount of light that causes the flicker becomes a predetermined value or smaller" as recited in new claim 13. Applicant respectfully submits that claim 13 is not obvious over Yamazaki in view of Chikama for at least this reason. New claims 15 and 17 also recite a control unit for controlling a "light source per each one period of the flicker" in a manner analogous to claim 13 and, hence, are asserted to be patentably distinct for at least similar reasons. Claim 19 is analogous to claim 11, reciting the control of an "image pickup unit per each one period of the flicker" and, as such, is also asserted to be in condition for allowance. Dependent claims 12, 14, 16, and 18, which depend from claims 11, 13, 15, and 17, are allowable for at least similar reasons. The Section 102 and 103 rejections for anticipation and obviousness should therefore be withdrawn.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Finally, Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

CONCLUSION

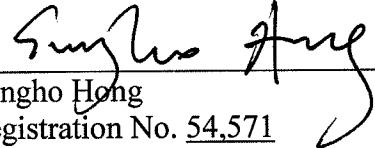
For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is earnestly solicited. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5139.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: October 31, 2007

By:


Sungho Hong
Registration No. 54,571

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8771 Telephone
(212) 415-8701 Facsimile